

## RESOLUTION NO. 2985

### RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

#### Findings

- A. The City of Bend has the authority to exercise the power of eminent domain under the City of Bend Charter, ORS 223.105(2) and ORS Chapter 35 when deemed necessary by the City of Bend's governing body to accomplish public purposes.
- B. The City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.
- C. The project known as the South Third Street Pedestrian Improvements has been planned in accordance with appropriate engineering standards for the construction of transportation infrastructure so that property damage is minimized, transportation promoted, and travel safeguarded.
- D. To accomplish these projects it is necessary to acquire the property and the interests in property described in "Exhibit A".

Based on these findings, the City Council of the City of Bend resolves as follows:

- Section 1. The Council accepts the Findings as facts in support of this Resolution. The project for which the properties are being acquired are necessary for the construction of the project and are in the public interest. The project has been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.
- Section 2. The power of eminent domain is exercised with respect to each of the properties and interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
- Section 3. On behalf of the City, the Oregon Department of Transportation is authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition. In the event that no satisfactory agreement can be reached, the Oregon Department of Transportation is authorized to commence and prosecute condemnation proceedings necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.

Section 4. In the event that the Oregon Department of Transportation is unable to reach an agreement with the owners(s) of the property as to the compensation to be paid therefore, the Department of Transportation/Attorney General is authorized and directed to institute condemnation proceedings in the name of the City of Bend in a court of competent jurisdiction for the purpose of acquiring title to possession of the above-described right-of-way.


Section 5. The City of Bend expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Section 6. This resolution takes effect immediately upon adoption.

Adopted by roll call vote of the Bend City Council on May 6, 2015.

Yes: Jim Clinton, Mayor  
Victor Chudowsky  
Sally Russell  
Nathan Boddie  
Casey Roats

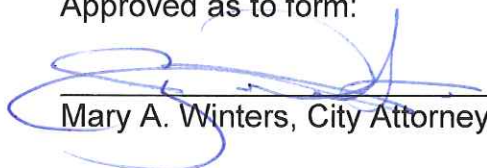
No: None

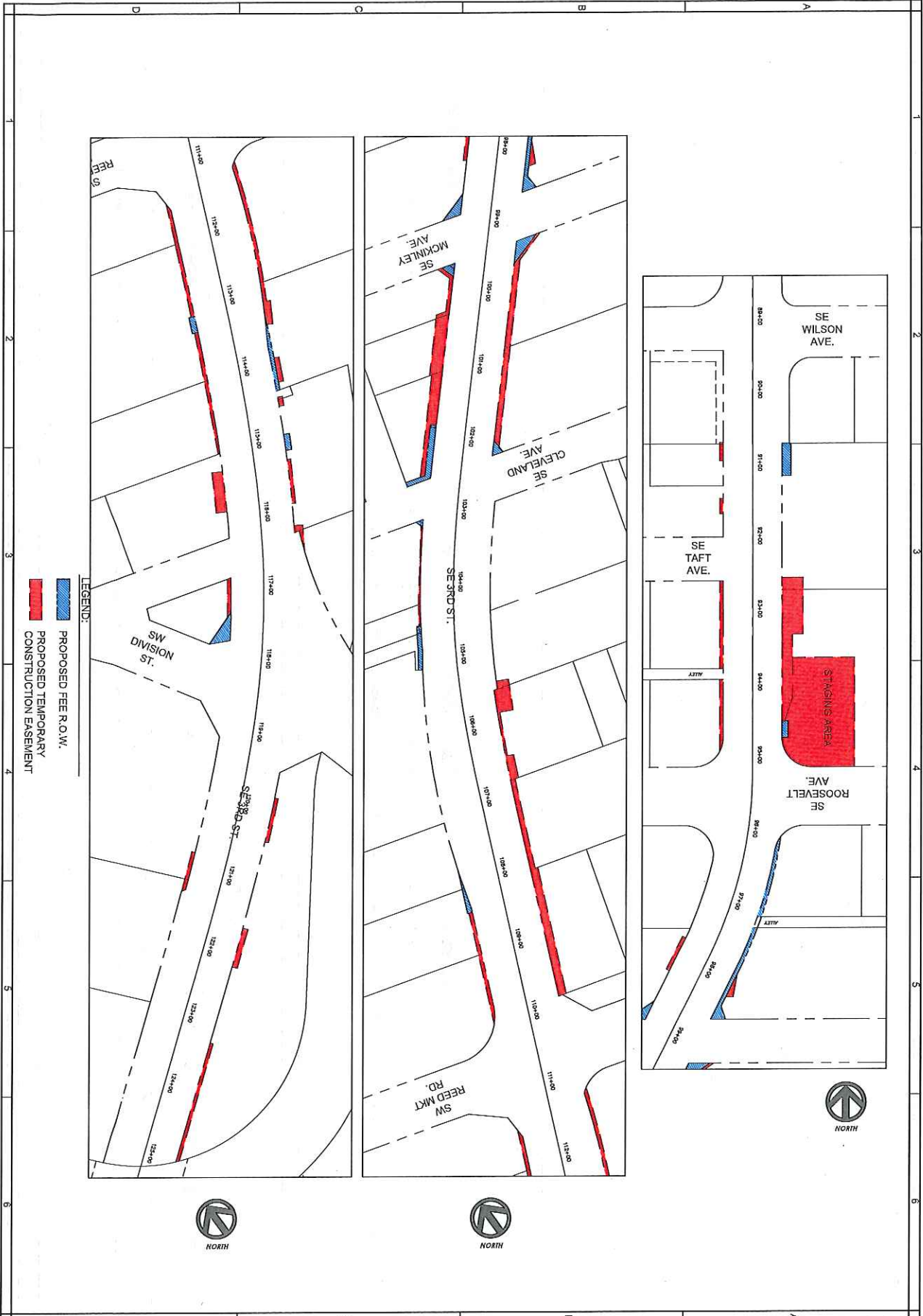
  
\_\_\_\_\_  
Jim Clinton, Mayor

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mary A. Winters, City Attorney



**LEGEND:**  
 PROPOSED FEE R.O.W.  
 PROPOSED TEMPORARY CONSTRUCTION EASEMENT



1/2

DESIGNED BY: BP  
 DRAWN BY: BP  
 SCALE: 1"=60'  
 DATE: 04/01/2015

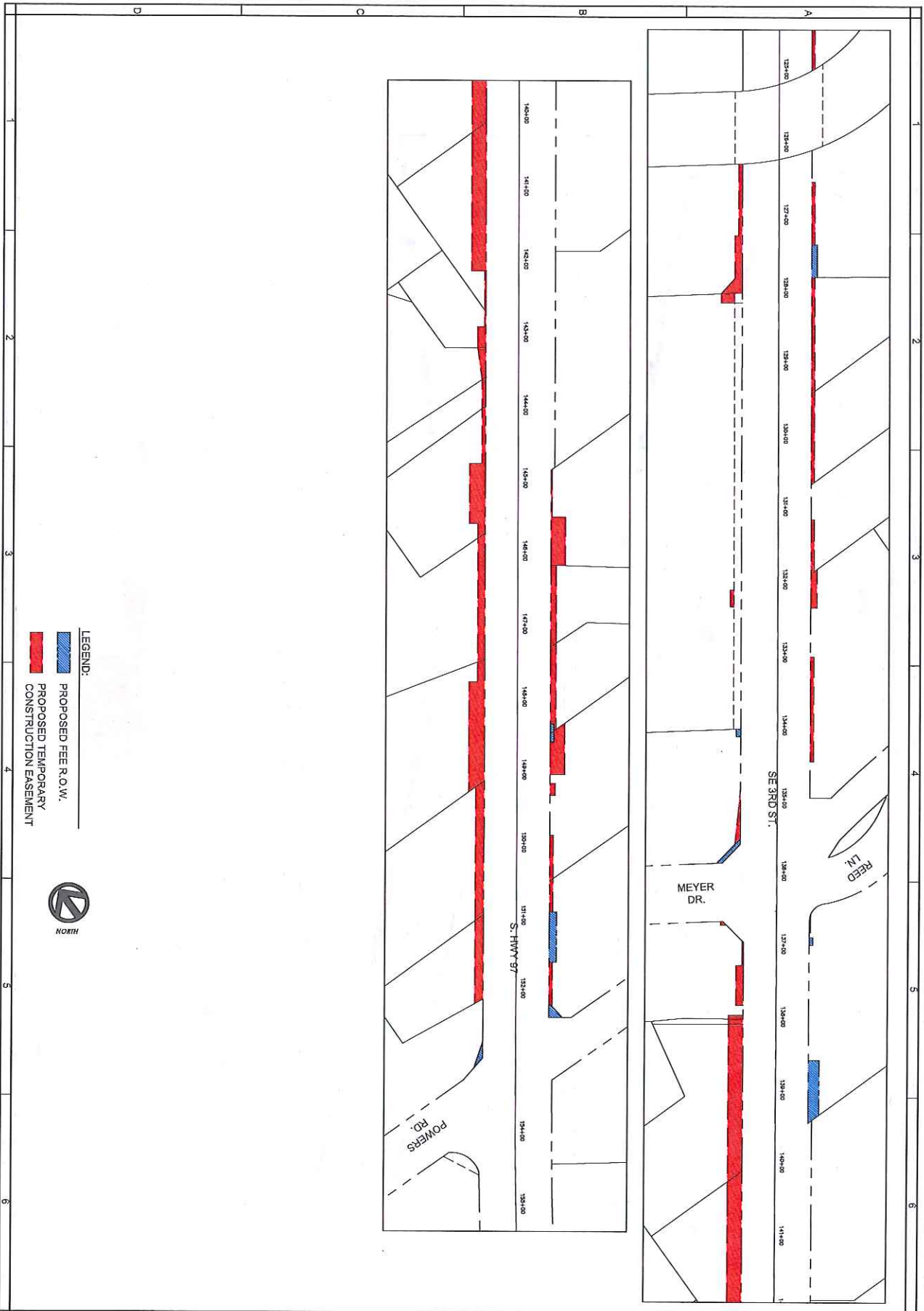
**HWA** SURVEYORS, ENGINEERS & PLANNERS  
**HICKMAN, WILLIAMS & ASSOCIATES, INC.**  
 42930 O.R. BILEY ROAD, SUITE 100  
 BEND, OREGON 97701  
 PHONE: 541.389.9351 FAX: 541.388.5416  
 WWW.HWA-INC.ORG

| REVISIONS |
|-----------|
| 1.        |
| 2.        |
| 3.        |
| 4.        |
| 5.        |



**EXHIBIT A**  
**SOUTH 3RD STREET**  
**R.O.W. ACQUISITION AREAS**  
 CITY OF BEND, OREGON





|                |   |  |                             |  |  |
|----------------|---|--|-----------------------------|--|--|
| 212<br>SHEET # | DESIGNED BY: BP<br>DRAWN BY: BP<br>SCALE: 1"=50'<br>FILE # 20150101       | <b>HWA</b> SURVEYORS, ENGINEERS & PLANNERS<br>HICKMAN, WILLIAMS & ASSOCIATES, INC.<br>42150 O.A. BILEY ROAD, SUITE 100<br>BEND, OREGON 97701<br>PHONE: 541.289.3351 FAX: 541.288.5414<br>WWW.HWA-INC.ORG | REVISIONS<br>1.<br>2.<br>3. |  | <b>EXHIBIT A</b><br><b>SOUTH 3RD STREET</b><br><b>R.O.W. ACQUISITION AREAS</b><br>CITY OF BEND, OREGON |
|                | DATE: 04/01/2015<br>VERTICAL SCALE: 0' = 1'<br>HORIZONTAL SCALE: AS SHOWN |  |                             |  |  |